

**Wichita Police Department Policy Manual**

Approved by: _____

Policy 517 - Larceny/Shoplifting Cases

Page 1 of 2

Maintained by:
Property Crimes Bureau

Issue/Rev.: R 07-23-2012

- 517.01 Larceny and shoplifting cases generally are handled in the same manner as any other criminal case. However, K.S.A. 21-5801 designates a higher classification of charges for repeat offenders in theft cases. Therefore, it is imperative that officers make themselves certain of a theft suspect's identity, and that they conduct a records check on him/her to determine if he/she has any previous convictions for theft. Document evidence provided by victims of the crime, contributing to probable cause of the crime alleged, shall be handled and submitted in accordance with Policy 708.23.
- 517.02 DEFINITIONS [from K.S.A. 21-5801]
- A. **THEFT**: Any of the following acts done with intent to deprive the owner permanently of the possession, use or benefit of the owner's property:
1. Obtaining or exerting unauthorized control over property; or
 2. Obtaining control over property by deception; or
 3. Obtaining control over property by threat; or
 4. Obtaining control over stolen property, knowing the property to have been stolen by another.
- B. **FELONY THEFT**:
1. Theft or attempted theft of items having a [wholesale] value of \$1,000 or more; or
 2. Theft of any property, regardless of value, if committed by a person who has been convicted of theft two (2) or more times [including municipal court convictions].
 3. Theft of property regardless of the value from three separate mercantile establishments with a period of 72 hours as part of the same act or transaction or in two or more acts or transactions connected together or constituting parts of a common scheme or course of conduct.
- C. **MISDEMEANOR THEFT**: Theft or attempted theft of items having a [wholesale] value of less than \$1,000 [UNLESS 517.02 [B2] applies].
- 517.03 Officers with suspects in custody for felony theft shall book him/her for "felony theft--hold for state warrant."
- 517.04 Officers with suspects in custody for misdemeanor theft of any type shall contact a member of the Records Bureau to conduct a thorough records check prior to issuing a Notice to Appear or completing the booking procedure. Officers shall have the Records clerk, check the local computer and county records for previous convictions for theft through Municipal and District Court. In addition officers may request a "Triple I" on any individual they have in custody for misdemeanor theft, based on past criminal history or suspicion that the individual may have District/State Court convictions for theft in other jurisdictions. For the purpose of determining whether the current charge should be a misdemeanor or a felony, all prior theft convictions count for the purpose of enhancing a misdemeanor to a felony.
- A. If the suspect has two (2) or more theft convictions, the prisoner shall be booked felony theft--hold for state warrant.
- B. If the suspect has one (1) prior conviction, or any pending theft charge(s), he/she shall be booked if the arresting officer witnessed the current theft. If not [e.g., the suspect was stopped by a private security officer], the suspect must be given a Notice to Appear unless exigent circumstances exist.
- 517.05 R Officers shall obtain positive I.D. [e.g. government-issued photo I.D or by using a Morpho RapID] on the suspect prior to issuing an NTA. Those suspects who cannot identify themselves to the reasonable satisfaction of the officer shall be booked.
- 517.06 Once the appropriate charge(s) and method of charging have been determined, officers shall follow the appropriate procedures on arrest, notice to appear, disposition of evidence, etc., as delineated in the WPD Policies and Regulations Manual.
- Officers shall check for video evidence while at the scene. A recording shall be obtained and turned in as evidence under the case. If unavailable at the time of report, the officer shall instruct the business to notify 911 when it is ready for pick up.
- Removal of anti-theft devices should be considered prima-fascia element of a theft. The device should be collected as evidence and an additional charge of destruction to property will be levied.
- 517.07 An officer working an off-duty job who takes a theft suspect into custody is responsible for:

- A. The records check, as specified in Section 517.04;
- B. Preparation of all necessary forms incidental to the arrest; and
- C. Proper disposition of all evidence.